

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**CHARLES GRAHAM aka CHARLES
STEVENSON and
RUSSELL L. DAVIS**, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

**TONY C. PARKER, Commissioner,
Tennessee Department of Corrections;
DR. MARINA CADRECHE, Assistant
Commissioner of Rehabilitative Services,
Tennessee Department of Corrections;
and DR. KENNETH WILLIAMS, Medical
Director, Tennessee Department of
Corrections**, in their official capacities,

Defendants.

No. 3:16-CV-1954

**Judge Crenshaw
Magistrate Judge Brown**

PLAINTIFFS' AMENDED MOTION FOR SUMMARY JUDGMENT

Pursuant to the Parties' agreement and the Magistrate Judge's directive at the hearing¹ on July 2, 2018, Plaintiffs Charles Graham aka Charles Stevenson and Russell Davis ("Named Plaintiffs" or "Plaintiffs"), by their undersigned counsel, hereby submit this Amended Motion for Summary Judgment as to all counts asserted in the Complaint, Docket Entry 1, against

¹ During the July 2, 2018 hearing concerning Plaintiffs' Motion for Sanctions (D.E. 68), the parties conferred in an effort to resolve some of the issues presented. After conferring, the parties proposed to the Magistrate Judge that, *inter alia*, Plaintiffs would be permitted to amend their Rule 56 motion and supporting papers to account for certain information produced by Defendants on June 28, 2018, and that Defendants' response deadline would remain unchanged (among other conditions). The Magistrate Judge indicated that proposal would be acceptable and directed the parties to submit a proposed order. After conferring further, the parties filed a proposed order on July 13, 2018 to that effect, subject to one area of disagreement not pertinent to the Rule 56 deadlines. (D.E. 90-1.) Plaintiffs therefore are re-filing their motion today, assuming that the proposed order will be entered as it pertains to the Rule 56 motion.

Defendants Tony C. Parker, Commissioner, Tennessee Department of Corrections, Dr. Marina Cadreche, Assistant Commissioner of Rehabilitative Services, Tennessee Department of Corrections, and Dr. Kenneth Williams, Medical Director, Tennessee Department of Corrections, in their official capacities (collectively “Defendants”).

Plaintiffs are entitled to summary judgment because the undisputed facts show that Defendants, by their past and present actions, have violated Plaintiffs’ constitutional right to be free from cruel and unusual punishments. This violation entitles Plaintiffs to the declaratory and injunctive relief requested as a matter of law. For these reasons, and those fully articulated in the contemporaneously filed Amended Memorandum of Law in Support, Plaintiffs are entitled to an award of summary judgment on their claim.

In support of this amended motion, Plaintiffs rely upon the following:

1. Complaint (Docket Entry 1) and Exhibit 1;
2. Amended Declaration of Karla Campbell (filed contemporaneously herewith);
3. Amended Memorandum of Law in Support of this motion (filed contemporaneously herewith);
4. Amended Statement of Undisputed Material Facts (filed contemporaneously herewith) and Exhibits 1-6, filed as attachments to Plaintiffs’ original motion (Docket Entry 80).
5. Declaration of Dr. Kenneth Williams (Docket Entry 67);
6. Declaration of Debbie Powell (Docket Entry 75);
7. Sealed Document Exhibits 7-11 (Docket Entry 75); and
8. Sealed Document Exhibit 12 (Docket Entry 76).

Dated: July 13, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on July 13, 2018, the foregoing document was electronically filed with the Clerk of the Court using CM/ECF and served via the Court's Electronic Filing System to:

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